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Approved For Release 2003/07/30 : CIA-RDP80R01731R002900400006-5

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON 25, D. C.

OFFICE OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

29 August 1952

Hon. Charles B. Murray
Assistant Attorney General
Department of Justice
Washington, D. C.

Re: John Paton Davies, Jr.

Dear Mr. Murray:

I beg to acknowledge receipt of your letter of 27 August 1952, regarding the conversation held on August 26, 1952, by the undersigned and Mr. Becker with you and members of your staff in the above matter.

25X1 With regard to paragraph three of your letter, the identity of [] has already been publicly disclosed and also the nature of the "operation" which it is alleged was proposed to this Agency by Mr. Davies. As you probably know, the alleged "operation" was never followed up in any respect by this Agency.

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The question you present raises an issue of deep concern to this Agency. Under the Law, Section 102 of the National Security Council Act of 1947, "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." In pursuance of that mandate as well as

most
sensitive
nature.

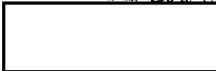
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to protect the integrity of its operations, the Agency is opposed to exposing its personnel to procedures which will uncover covert operations and disqualify valuable personnel. If, in a given case, there is an over-riding governmental interest requiring such disclosure, we assume that appropriate instructions will be issued to the Agency by those to whom we are responsible. In the absence of any such instructions it is our policy to oppose action which would have the consequences for the Agency indicated above.

adverse

Sincerely yours,

Allen W. Dulles
Deputy Director

*interests of the United States
as indicated above*

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*in the absence
of such
decision*

Higher authority may decide

It is recognized that overriding considerations of the national interest may require the sacrifice in a particular case of the security interests which, under Section 102(d)(3) of the National Security Act of 1947, it is the Director's responsibility to protect. We are unwilling to consent thereto unless appropriately directed to do so. Accordingly, if the Department of Justice should call our personnel as witnesses during the course of a trial of the above matter, this Agency would seek and follow instructions which might be issued by those to whom it is responsible.

Sincerely yours,

Allen W. Dulles
Deputy Director

*expose our personnel
or methods*

*act in accordance with the
responsibility imposed upon ^{the Director} ~~the~~
by the above mentioned section
of the Natl ^{Sec.} Def. Act of 1947 which
states "*

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EX-13-173

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22 August 1952

Milton D. Ladd, Esq.
Assistant to the Director
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Ladd:

Your liaison representative, Mr. Papich, has advised me that the Department of Justice again inquired through the Bureau whether we would make [redacted] available for an interview, or if not whether a list of questions could be submitted to him for written answers, in connection with the Davies case. He said that the same inquiry had been made with regard to [redacted]. Mr. Papich told me that he would be absent for several days and suggested that I address my reply to you.

In the Director's memorandum of 14 July 1952, to Mr. Hoover, and in my letter of 10 July 1952 to Assistant Attorney General Bolmerney, of which a copy was enclosed with the memorandum to Mr. Hoover, we indicated our attitude with regard to the availability of [redacted] and [redacted] for the purposes specified. What we have stated there with regard to an interview would apply equally to answers to interrogatories.

The crux of the matter is whether the interviews or interrogatories would result in information becoming public with regard to the association of these two men with CIA. We understand from Mr. Papich, that whether the matter were handled by interview or by interrogatories, the information would probably be made available in a manner which might result in publicity. The result of this would be to impair the usefulness of these two persons as far as further work with CIA is concerned. This would have serious consequences for us. It is for that reason that we have taken the position indicated in the Director's memorandum of 14 July to Mr. Hoover.

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If in this matter it was considered that there was an overriding public interest, despite the fact that these men can, in our opinion, contribute no new material evidence not already available, I assume that appropriate instructions would be issued to the Agency by those to whom we are responsible. In the absence of any such instructions the Director has not felt that he could properly volunteer these two men for interrogation in this case.

Faithfully yours,

(Signed) ALLEN W. DULLES

Allen W. Dulles
Deputy Director

AWD:leb

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